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08/889,033	07/07/1997	BARTHOLOMEW J. FRAZZITTA	D-1083	2912
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RALPH E. JOCKE Walker & Jocke 231 SOUTH BROADWAY MEDINA, OH 44256			EXAMINER VO, TUNG T	
			ART UNIT 2621	PAPER NUMBER
			NOTIFICATION DATE 01/13/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[iplaw@walkerandjocke.com](mailto:iplaw@walkerandjocke.com)

# Office Action Summary

**Application No.**

08/889,033

**Applicant(s)**

FRAZZITTA ET AL.

**Examiner**

Tung Vo

**Art Unit**

2621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09/21/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7, 8, 13, 19, 24-27, 35, 36, 48 and 49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7, 8, 13, 19, 24-27, 35, 36, 48 and 49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 1997 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 50-54 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: a video material presenting device, wherein the video material presenting device is operative to provide video material to each respective customer display device, a video control device, wherein the video control device controls presentation of video material at each respective customer display device, wherein the video control device is operative to selectively present video material provided by the SP camera device at each respective customer display device as specified in claim 50, wherein the data store includes video material comprising advertising material, wherein the video material presenting device is operative to provide advertising material from the data store to each respective customer display device as specified in claim 52, and wherein the video material presenting device is in operative connection with a video broadcast source as specified in claim 53 have not been claimed before.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 50-54 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over M. C. McClure et al. (US 3,294,342) in view of Granzow et al. (US 4,580,040) and further in view of Dallman (US 4,681,044) as set forth in the previous office action mailed on 07/07/2009.
4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over M. C. McClure et al. (US 3,294,342) in view of Granzow et al. (US 4,580,040) and further in view of Milatz (US 4,942,464) as set forth in the previous office action mailed on 07/07/2009.
5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over M. C. McClure et al. (US 3,294,342) in view of Granzow et al. (US 4,580,040) as set forth in the previous office action mailed on 07/07/2009.
6. Claims 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over M. C. McClure et al. (US 3,294,342) in view of Granzow et al. (US 4,580,040) and further in view of Paganini et al. (US 4,398,257) as set forth in the previous office action mailed on 07/07/2009.

7. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granzow et al. (US 4,580,040) in view of Dallman (US 4,681,044) as set forth in the previous office action mailed on 07/07/2009.

8. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over M. C. McClure et al. (US 3,294,342) in view of Granzow et al. (US 4,580,040) as set forth in the previous office action mailed on 07/07/2009 .

9. Claims 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over L.J. Grosswiller Jr. et al. (US 3,237,933 in view of Granzow et al. (US 4,580,040) and Ranmachandran (US 5,483,047).

Re claims 48 and 49, Grosswiller teaches a transaction system comprising:  
a customer station (1 of fig. 1, a customer kiosk) includes at least one transaction component (col. 3, lines 41-43, a pneumatic tube carrier system) ,

wherein the at least one transaction component includes a pneumatic tube carrier terminal (col. 3, lines 41-43, a pneumatic tube carrier system),

wherein the at least one transaction component includes a display device (5 of fig. 1, a television screen),

wherein the display device is supported by the frame (9 of fig. 3, col. 3, lines 58-75),  
a user interface (3 of figs. 3-5 and 10),

wherein the user interface is supported by the frame (2 and 9 of fig. 3),  
wherein the user interface includes interface openings therethrough (70 of fig. 10),  
wherein the interface openings include a pneumatic tube carrier terminal opening (74 and 75 of fig. 10),  
wherein the interface openings include a display device opening (5 of fig. 2),  
wherein the user interface is movable between a first position and a second position (70 of figs. 3-5, and 10, col. 5, lines 22-35),  
wherein in the first position the user interface is adjacent the at least one transaction component (70-73 of fig. 10), enabling the at least one transaction component to be used by a customer (83 of figs. 7-9) at the customer station in carrying out a financial transaction (col. 3, lines 13-28, the customer is conducting a financial transaction),  
wherein in the first position the pneumatic tube carrier terminal opening is substantially aligned with the pneumatic tube carrier terminal (75 of fig. 10),  
wherein in the first position the display device opening is substantially aligned with the display device (5 of fig. 2),  
wherein in the second position the user interface is disposed from the at least one transaction component, enabling the at least one transaction component to be manually accessed by servicing personnel (col. 5, lines 45-56),  
a hinge arrangement (70 of fig. 10, note the door is mounted by any suitable means, the suitable means would obviously be a hinge arrangement),

wherein the hinge arrangement includes plural hinges( 70 of fig. 10, note the door is mounted by any suitable means, the suitable means would obviously be a hinge arrangement includes a plural hinges),

wherein each of the plural hinges is connected to the frame (9 and 2 of fig. 3-4, 6, and 10),  
wherein the user interface (70 of fig. 10) is movable between the first position and the second position via the hinge arrangement (col. 5, lines 25-30).

It is noted that Grosswiller does not particularly teaches a customer station inside of a building, wherein the customer station includes: an interior wall fixed in the building, wherein the interior wall has an opening therethrough, wherein the interior wall includes a support frame bounding the opening as claimed.

Granzow teaches a customer station (12 of fig 8) inside of a building and Grosswiller discloses all of the customer station components as disclosed above. It would have been obvious to locate the customer station of Grosswiller inside a building in view of Granzow's teaching that this was a known location.

Grosswiller does not specifically disclose the structure for mounting the components in the wall.

Ramachandran discloses mounting components for a customer station on a frame (assembly 40) in a wall opening in supporting connection with the wall for a through-the-wall configuration (col. 1, lines 24-31, lines 8-46). This disclosure would suggest the customer station includes: an interior wall fixed in the building, wherein the interior wall has an opening therethrough, and wherein the interior wall includes a support frame bounding the opening.

Therefore, one of ordinary skill in the art would have been motivated to mount the components of Grosswiller on a frame in an opening in a wall as taught by Ramachandran for the known advantages of such an arrangement, e.g., security, accessibility, etc.

Re claim 49, the combination of Grosswiller, Granzow, and Ramachandran (US 5,483,047) teaches all limitations as claimed. See analysis in claim 48.

### ***Response to Arguments***

10. Applicant's arguments filed 09/21/2009 have been fully considered but they are not persuasive.

The applicants' arguments are directed to the Board of Patent Appeal and Interferences (BPAI) in Appeal No. 2007-0699 and the decision dated on September 21, 2007, the BPAI reversed the rejection of claims 19 and 40 based on McClure and Granzow.

The examiner respectfully agreed with the BPAI decision and would like to point out that the limitations are unpatentable over Granzow.

It is noted the BPAI decision stated:

#### **Claim 19**

Claim 19 depends on claims 18/2/38 and recites "a plurality of customer stations in the building, wherein each of the customer stations being in operative connection with the SP station." McClure discloses that there may be a plurality of customer stations, with a corresponding number of operator stations (col. 6, lines 21-24), which together with Granzow's teaching of locating customer stations inside a building, would have motivated one skilled in the art to provide a plurality of customer stations inside a building. However, McClure discloses that



the plurality of customer stations have a corresponding number of operator stations, one operator station for each customer station, thus, there is no teaching of a plurality of customer stations in operative connection with one SP station. The rejection of claim 19 is reversed.

**Claim 40**

Claim 40 depends on claims 39/38 and recites "a plurality of customer stations is positioned within the interior area of the building" wherein each customer station is in operative connection with the SP station. The rejection of claim 40 is reversed for the reasons discussed with respect to claim 19."

The Board stated that there is no teaching of a plurality of customer stations in operative connection with one SP station.

The examiner would like to further address that Granzow teaches a plurality of customer stations (12 and 12-1 of fig. 8) in operative connection with one SP station (14 of fig. 8; col. 8, lines 24-44) with the transport system (92 and 96 of fig. 3), and the two way audio and video devices for communications between the customer and SP station with the pneumatic system are taught by McClure (figs. 1 and 5). It would have been obvious to one of ordinary skill in the art to build the two way audio and video devices of McClure between the plurality of customer stations and one SP station of Granzow and to replace the transport system of Granzow with the pneumatic system of McClure. Doing so would allow the teller to serve more than one customers effectively.

**Claims 7 and 35**

The applicant argues the rejection would not teach or suggest a customer station component being in supporting connection with a door frame.

The examiner respectfully disagrees with the applicant. It is submitted that Dallman teaches a frame comprising a door frame (34 and 40 of figs. 2 and 3, note a continuous piano type hinge 40 is attached to the hinged edge 38 of the door 34 and further attached to the actuate shaped wall 32, when the hinge is attached to the shaped wall 32, this would obviously suggest that the door would have a frame to fit in), at least one hinge operatively connected to the door frame (40 of figs 2 and 3, e.g. a continuous piano type hinge is connected to the door frame), and wherein a cover (34 of fig. 2, wherein the door is open and closed) is movably mounted relative to the frame through the hinge (e.g. 40 of figs. 2 and 3), and the customer station component (16 of fig. 2) is in supporting connection with the door frame (32 and 18 of fig. 2).

**Claim 13**

The applicant argues that the sensor of Milatz is not combinable with McClure and Granzow to make obvious claimed invention.

The examiner respectfully disagrees with the applicant. It is submitted that the use of sensor to detect the presence of the object to trigger the ATM component is well known and taught by Milatz (16 of fig. 2). One skill in the art would have been obvious to modify the sensor (16 of fig. 2) of Milatz for any conventional and suitable SP station as suggested by McClure and Granzow to improve the banking service.

**Claim 24**

The applicant argues that Paganini's queuing device teaches away from the recited invention.

The examiner respectfully disagrees with the applicant. It is submitted that Paganini teaches the queuing device is used in the customer service (20 and 28 of fig. 1) in the time

sequence (1, 2, and 3). One skill in the art would have been obvious to modify the useful device of Paganini into the combination of McClure and Granzow to make obvious claimed invention.

**Claims 48-49**

The newly added claims are rejected as set forth above.

**Claims 50-54**

The newly added claims 50-54 are restricted as indicated above.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In response to applicant's argument about the "obviousness" is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument the basic principle of a proper prior art analysis within 35 U.S.C. 103 (a).

Not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In re Preda, 401 F.2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F.2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In re Sovish, 769 F.2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby, 309 F.2d 513, 135 USPQ 317 (CCPA 1962). The obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969)). Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. In re Bode, 550 F.2d 656, 193 USPQ 12 (CCPA 1977).

**The declaration pursuant to 37 C.F.R. 1.132**

The declaration under 37 CFR 1.132 filed on 09/21/2009 is insufficient to overcome the rejections as set forth above.

**Note Long-Felt Need:** Care should be taken to determine whether such failures were due to a lack of interest or appreciation of an invention's potential or marketability rather than want of know-how. In re Allen, 139 USPQ 492 (CCPA 1963).

**Note Preponderance of the Evidence:** To "establish by preponderance of the evidence" means to prove that something is more likely so than not so. ( Federal Jury Instructions, West Pub. Co. 1970).

**The attached document**

The attached document is not an Information Disclosure Statement. Therefore, the attached document has not been considered.

**Request for treatment as a "special" case**

It is noted that the applicant should file a petition for this application as "special" case.

**Unlawful taking of patent term time**

It is noted that the application filed in 1997 and the applicant has made many amendments the claims and added more claims into the application. Therefore, the appropriate office actions have been taken based on the amended claims and the added claims in accordance with the examination procedures.

**Request for application transfer**

The request for application transfer is denied.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Wednesday, Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tung Vo/  
Primary Examiner, Art Unit 2621